

EXHIBIT 3

**For Federal civil complaint/filing
-- PLAINTFF'S BRIEF / MEMORANDUM IN
OPPOSITION TO
“MOTION for Summary Judgment by
Executive Office for United States Attorneys,
United States Department Of Justice.”
(Documents #49, and #48) -- OPPOSING
BRIEF IN OPPOSITION TO THE
GOVERNMENT'S/DEFENDANTS'/MOVANT'S
MOTION AND BRIEF/MEMORANDUM UNDER
DOCUMENTS #49 AND #48” --
Brian David Hill v. Executive Office
for United States Attorneys (EOUSA),
United States Department of Justice
(U.S. DOJ)
Civil Case Number 4:17-cv-00027**



Fax Cover Page

Date: 9/16/2016

Time: 5:26:01 AM

Pages: 10

**To: U.S. Dept. of Justice, Executive Office for US
Attorneys**

Attn.: FOIA/Privacy Office FOI/PA

From: Brian David Hill

Fax ID: 276-790-3505

**RECEIPT CONFIRMATION
REQUESTED**

**FOIA Request herein, please assign a FOIA Request number
and send me an acknowledgement/acceptance letter on
this FOIA Request, ASAP!**

**I need to know that you have successfully received this
FOIA Request and are at least putting a FOIA Request # for
processing this request, pursuant to the FOIA law.**

**I had sent this before, but no number was assigned to it
and nobody can give me an answer on this particular FOIA
Request until it is assigned a FOIA number. The one
regarding email and FAX records from what I understand
was accepted and given a FOIA Request # but not the one
regarding copies of Discovery evidence. Please assign FOIA
to this referenced FOIA Request.**

Thank You!

URGENT

**FOIA Request to Executive Office of United States Attorneys
and US Attorney Office of Greensboro, NC**

Monday, August 29, 2016 - 12:33 AM

FOIA/Privacy Unit (FOI/PA)
Executive Office for United States Attorneys
U.S. Department of Justice
Bicentennial Building
Room 7300, 600 E. Street, N.W.
Washington, DC 20530-0001
Phone: (202) 252-6020
Faxed to: (202) 252-6047

CC: U. S. Attorney's Office
ATTN: Ripley Rand
Middle District of North Carolina
101 S. Edgeworth St., 4th Floor
Greensboro, NC 27401
Phone: (336) 333-5351
Faxed to: (336) 333-5381

Dear Susan B. Gerson, Acting Assistant Director, Freedom of Information & Privacy Staff,
Pursuant to Title 5 U.S.C. § 552, Freedom of Information Act, I am filing this
request Pro Se, as a respectful individual in my individual capacity, requesting copies of
all records from my Discovery packet in my criminal case United States of America v.
Brian David Hill. Docket # 1:13-cr-435-1. Case closed November 12, 2014.

WHAT I'M REQUESTING WITH FOIA:

The records I am requesting are copies of my Discovery Packet of evidence
pursuant to my Federal criminal case which includes the original audio CD containing
my confession to Mayodan Police on August 29, 2012, SBI forensic case file.
Subject/Suspect was Brian David Hill and SBI Case File # 2012-02146, Mayodan Police
Report on suspect Brian David Hill incl Search Warrant and Inventory dated August 28
and 29, 2012, and the Mayodan Police document to which I signed my confession on
August 29, 2012. The records I am requesting is all in regards to myself "Brian David
Hill" as the Defendant in the criminal case United States of America v. Brian David Hill,
Docket # 1:13-cr-435-1, in the U.S. District Court for the Middle District of North
Carolina.

REASON WHY FOIA:

The reason I am requesting such records are simple. I had ineffective assistance of
Counsels (Eric David Placke and John Scott Coalter) in violation of my Sixth Amendment
of the U.S. Constitution which backs this FOIA Request. I am and was the Defendant in
this criminal case. I was never allowed to even see all of my Discovery packet of evidence
requested from the U.S. Attorney pending trial in 2014. I finally did get to see all of the
Discovery evidence of my case, for a short period of time on January 22, 2015, months
after my final criminal conviction. I am attempting to investigate my criminal case, on a
Pro Se basis, to prove my Actual Innocence. I cannot prove my Actual Innocence to my
original criminal conviction without access to the original Discovery evidence that was
requested by Assistant Federal Public Defender Eric David Placke. Placke secretly

negotiated, without my consent, that I was not allowed to make copies/photocopies of any evidence and I was not allowed to grant independent expert witnesses to have access to the criminal evidence that was used to indict and convict me. I kept filing Pro Se Motions excessively, even annoying Judge Osteen, until Placke was out of my case. Judge Osteen had finally forced Placke out of my case, and then appointed John Scott Coalter. However at that point my health was deteriorating in violation of my 8th Amendment Constitutional right against "cruel and unusual punishment," and in violation of the Americans with Disabilities Act Federal Law (Title 42 U.S.C. § 12132, Title II). I was tortured in Orange County Detention Center, Guilford County Detention Center, and Forsyth County Detention Center due to being given half or inadequate amount of my needed diabetic insulin. I was tortured with high blood sugars every-time I appeared in the Courtroom. This I will swear under Oath. Because my A1C was reported as 10.9 which I reported to Federal Judge Osteen, because my weight was dropping to 140lbs at the time, I had no choice but to stick with my guilty plea, and bail on withdrawing my guilty plea in November of 2014. It had got so bad that the U.S. Marshals Service Deputies was forced to transport me to Moses H. Cone Hospital on November 7, 2014, as proof that I was tortured in the County Jails by being denied proper and adequate medical attention. When my blood sugars ran consistently high, my weight was dropping to dangerous levels which normally happens with those who refuse to eat, however I did eat my meals but my body refused to absorb the meals due to not being given adequate insulin to cover the carbohydrates. I was tortured into my guilty plea, and I can be tortured again if I am thrown back in Jail to face another Trial, since the Jails have very poor healthcare.

This is August 29, 2016, and now I am free from Jail but am suffering under a Sentence that I should not be forced to serve. To avoid continual torture, I had to plead guilty, to protect my kidneys from failing, and to keep myself from going into a coma.

So now I am looking to prove Actual Innocence by investigating the truth. I am also attempting to find lawyers to acquire independent expert witnesses to investigate into the evidence used against me in my criminal case, for the purpose of proving my Actual Innocence. I cannot prove my Actual Innocence without access to the original evidence that was used to indict me, and the original evidence that was acquired by Eric David Placke. I saw that the evidence was transferred over to John Scott Coalter, after he became my last Trial Attorney. Because of being tortured by being given inadequate insulin to the point where I was Hospitalized, I wasn't in good health and would have died if I had continued fighting my Plea bargain, this I can prove beyond doubt.

After my final conviction, after January 22, 2015, I was not allowed to make copies of any Discovery material and he terminated his services from my case. Now I have no lawyer with access to my Discovery evidence Packet that I was entitled to, to create a Defense for Trial in 2014.

I need access to my Discovery Packet to help prove my Actual Innocence, to prove that I made a false confession. I found that it is impossible to prove my false confession without access to the original Discovery Evidence Packet. This FOIA Request isn't the normal usual FOIA Requests. I was never given access to all of my Discovery evidence Packet before the Trial. I was only allowed to review over a few pages, and my confession

audio in Placke's attempt to deter me from taking it to a Trial, but was not allowed to review over any of the rest of the Discovery packet of evidence papers to be used at my Trial.

LEGAL GROUNDS:

I am declaring my intent to prove my Actual Innocence and the need for all Discovery packet of evidence is needed to gather enough evidence to prove my Actual Innocence to my conviction. I need the original evidence to inspect, make copies of, and/or present to expert witnesses to examine the original evidence of guilt to determine my guilt or innocence. Such expert witnesses include audio experts to examine the "audio CD" of my confession made on August 29, 2012, at the Mayodan Police Department in North Carolina, to determine if the confession audio has been cut or altered or modified from the original recording of the interrogation. A psychologist or social scientist to determine my false confession and its cause (Autism, Diabetes, OCD, anxiety disorder) and whether any coercion was used to make me falsely confess. The SBI report is needed to be cross examined/referenced to help determine my false confession.

So my Legal ground are my Habeas Corpus privilege to review over my Discovery packet of evidence to determine if I have enough ground to prove Actual Innocence basis. I cannot prove Actual Innocence yet until I have access to the discovery papers again. I cannot file a claim for Actual Innocence until I have the evidence and ground for such, otherwise my 2255 Motion will fail without a hearing. Also an Innocence Clinic is interested in my case and would like to look at the evidence used against me. I would like to do this without filing a Habeas Corpus lawsuit for Discovery packet evidence.

Therefore I assert under FOIA Title 5 U.S.C. § 552, U.S. Constitution Writ of Habeas Corpus privilege, and I assert my right to Due Process (that I was never given while in Jail and given ineffective assistance of Counsel). As a Defendant, I have a right to have access to discovery Packet of evidence, if justice so requires, to help prove my Actual Innocence. No expert witness will be credible enough to prove my Actual Innocence if they are denied access to my Discovery Packet of evidence papers, they can't make such a credible claim of Factual Innocence. I cannot assert Actual Innocence with no evidence. It is critical that I get access to my Discovery Packet again.

Component:

The records are for the component of the U.S. Attorney Office at 101 S. Edgeworth St., 4th Floor, Greensboro, NC 27401, which serves as the Government Attorney for the U.S. District Court for the Middle District of North Carolina, under Ripley Rand. The federal case is now closed and has been closed since November 12, 2014.

The Fee Category I am filing this request through is as follows:

Public Interest of outcome: This FOIA Request is pertinent to investigating the

truth, and help to prove Factual Innocence to assert my Actual Innocence. Without the Discovery Packet of papers from my case, I cannot prove my Actual Innocence nor assert a credible claim of Factual Innocence. Because I am wrongfully convicted and falsely on the Virginia Sex Offender Registry, because media has interviewed me and believes that I am Innocent of the crime, faith in the Sex Offender Registry pursuant to the Adam Walsh Act has FAILED. Faith in the Sex Offender Registry will continue to fall as long as my criminal conviction and other wrongful convictions are allowed to stand without having any right to challenge it. By reviewing and inspecting over my original Discovery evidence, I can prove my Innocence and be removed from the Sex Offender Registry, thus restoring confidence in such Registry, to protect the public thus has the public interest.

I was interviewed by various alternative news reporters and radio show hosts. I was invited on to shows such as the Bob Tuskin Show(as a Call-In guest), Freedomizer Radio(as a Call-In guest), Pete Santilli's podcast show(as a Call-In guest), Mike Serour's radio show "Serour Strikes Back" (as a Call-In guest), Eric Wilkenson's "Spitfire and the Sentinels" (as a Call-In guest), and others. I have also been interviewed by news reporters such as Steve Green of the Orange County Register, Aaron Kesel of We Are Change. I also will bring my criminal case to the attention of the News & Record of Greensboro region, and they told me they have taken an interest in my case once I overturn my criminal conviction or file something that they can cover in their paper.

Aaron Kesel has also informed my mother that he will be doing a update news article about my criminal case. Aaron Kesel's credentials are of the WeAreChange.org news website. We Are Change has also played a role on reporting various news stories which include Presidential Candidate Donald Trump. I have even sent a FAX to candidate Trump asking him to pardon me if I can prove my Actual Innocence, since innocent people shouldn't be registered Sex Offenders. Because of the media interest and the public interest in removing me from the Virginia Sex Offender Registry for falsely being on it due to being tortured in the County Jails, I ask for a waiver in the fees for the "public interest" category. I also used to be a news reporter with USWGO Alternative News until Mayodan Police retaliated against me after I was framed with child pornography via PC Virus. I can prove all of this in not just a Declaration/Affidavit but also with evidence exhibits if necessary.

Disability and indigent status: So the request is pertinent to investigating the truth. I am indigent and qualify under Social Security to receive SSI Disability income, and that I qualify for a caretaker under Virginia Medicaid. Since I live off of SSI disability, I like to be notified in advance, if I have to pay any fees per this FOIA request. It is a must, especially if this FOIA Request costs may go into hundreds, that I be notified of the cost before receiving all records of my Discovery packet. I am also indigent in Federal Court under the Criminal Justice Act, under the CJA Voucher program.

A "Certification of Identity" will be attached to this letter and the "Declaration(Statement under Penalty of Perjury): Release Statement." All shall be in order to prove my identity :

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and to explain the reasons why I should get the Fee Waiver for Public Interest and Media Involvement. Also the legal reasons are explained why I am filing this FOIA Request for my Discovery packet of papers and audio CD of my confession.

I like to receive a written response after successfully receiving and processing this FOIA Request. I request a written response from the FOIA Unit and from U.S. Attorney Ripley Rand upon successful receipt of this letter and attached Certification of Identity, and attached "Declaration(Statement under Penalty of Perjury): Release Statement."

Brian D. Hill
Signed

USWGO

Thank You & Sincerely,

Brian D. Hill

Former news reporter & Founder of USWGO Alternative News
Home Phone #: (276) 790-3505
310 Forest Street, Apt. 2. Martinsville, VA 24112

(Attachment to 5-page Letter)

Declaration(Statement under Penalty of Perjury):

--Release Statement--

Declaration authorized by Title 28 U.S.C. § 1746

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am a Defendant in the United States District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1, titled: United States of America v. Brian David Hill, and I still have not exhausted both the 2255 Motion via Writ of Habeas Corpus and Motion for New Trial under Rule 33 of the Federal Rules of Criminal Procedure. I am not a licensed attorney, but I am slowly learning more about the Federal Rules and filing procedures as I feel I am not being represented by any of the Court Appointed lawyers in the past for trial Defense under the adversarial system, See Strickland v. Washington (1984 ruling).
2. I declare that I am Brian David Hill; that I am currently a U.S. Citizen, and that I am born on May 26, 1990. My SS# is [REDACTED] 40319.
3. I am requesting records on myself. I am the person that is seeking the records of myself. The records of myself in which I am seeking are records to which to aid in me proving my Actual Innocence. These records are essential to proving my Actual Innocence, and without them I have no chance at gathering enough evidence in proving Actual Innocence before filing my 2255 Motion. Such records will aid me in proving that I had made false confession statements on August 29, 2012, to Mayodan, NC, Police Detective Christopher Todd Brim and Reidsville, NC, Police Detective Robert Bridge. I have to assert my right to cross examine/reference the witnesses and evidence statements to prove my Actual Innocence. I was never given a right to cross examine/reference the evidence materials and witnesses prior to my Jury Trial on June 10, 2014, and would have lost my criminal Trial by default without a effective assistance of Counsel.
4. I was not allowed to see all of my criminal Discovery packet of evidence that was used against me in my criminal case. Eric Placke, my ex-attorney, lied to me that me and him "would go over the discovery evidence together." He didn't show me the important things in the SBI Case File, and in fact I never saw the SBI Case File in 2014. I never got to see the Mayodan Police Report until after my conviction. I only got to hear my confession and review over a few pages before Placke convinced me that I should go for Pretrial Diversion Program then later he convinced me to falsely take the guilty plea without challenging any shoddy forensic evidence. He deceived me into thinking the FBI had a forensic report in my Discovery packet but saw no such thing in John Scott Coalter's Office on January 22, 2015, after my criminal conviction that was made final on November 12, 2014. I was confused and that led me to being wrongfully diagnosed as a pedophile by Dr. Dawn Graney(later ruled out) and wrongfully diagnosed as delusional disorder(before my wrongful conviction). I tried to challenge that disorder but the Court refused to Rule Out that diagnosis because I had no statutory authority for it due to my wrongful conviction. I was confused because I never read most of the Discovery papers of the Packet for my case before the Trial. The Jury would not have been convinced because I didn't even know what was in most of my Discovery Packet until after I was convicted. I would have lost the

- Trial if I had not falsely plead guilty, and I mean FALSELY PLEAD GUILTY.
5. I grant myself permission to request records that contain personal and confidential information on myself. I also need copies of the criminal Discovery packet of evidence to show independent expert witnesses so that they can determine my factual innocence or guilt before I file my 2255 Motion. I cannot file the 2255 Motion until I have facts of Innocence, and I cannot determine credible facts of my innocence without access to my discovery packet of evidence.
 6. I live off of my SSI disability and I do not work a job. So I live off of a limited income. I am disabled. I am qualified under the Federal CJA Voucher program to be considered indigent enough to have a court appointed lawyer.
 7. One of the Innocence Clinics in North Carolina, as apart of a University School of Law, has taken an interest in my case. To protect that University from being wrongfully influenced into quitting my case, I will not disclose the name of the University Innocence Clinic due to fear of influence and the risk of possible threats against the University as a consequence of me disclosing this information to third parties. That Innocence Clinic has an interest in proving my Actual Innocence so that I can be removed from the Virginia Sex Offender Registry. The students will soon evaluate my case from what I understand. I hope that they will adopt my FOIA Request to get access to my criminal case Discovery evidence, or they may have another legal method to compel Discovery. For me, I have an interest in convincing the University that I am Actually Innocent and can prove it. For that I need access to my criminal case Discovery packet of evidence.
 8. I am involved with members of the media by corresponding with them. So far I have convinced We Are Change (WeAreChange.org) news reporter Aaron Kesel to investigate my case, and receive emails from my Mother with PDF rendered copies of my letters, faxes, and other important legal documents. He has published an article and is willing to write update news articles as my criminal case progresses. I had also contacted the New York Times earlier this year. Last year I had contacted news reporter Steve Green of the Orange County Register to mention about my criminal case, which he reviewed over my court case docket papers on PACER.GOV. Mr. Green was formerly of the Las Vegas Sun newspaper in Las Vegas, NV. The Greensboro News & Record newspaper has also taken an interest in my criminal case, and one reporter told me that once I file a Motion to challenge my conviction that I should contact them to get them to talk about my criminal case in the paper there. I have spoke with many people who are alternative media, and have also tried to talk to regular media to get them all involved in my criminal case. Because several news reporters or news agencies are interested in covering facts of my criminal case, they are presenting credible information to the general public. So there is a media interest and public interest in me proving my Innocence, and for that I needed to file this FOIA Request. Since the criminal case is closed, I have no legal means to request Discovery in my criminal case until I file a Motion. I cannot file a credible claim of Innocence in my Motion until I review over my criminal case Discovery Packet of evidence. I need to get access to what was given to my Assistant Federal Public Defender Eric David Placke, who failed me as Legal Counsel in regards to proving my Innocence.
 9. I have also appeared on various radio shows. I have called in to Free Talk Live multiple times which are operated by radio hosts Ian Freeman and others, in regards to disclosing information about my criminal case. I also called into Freedomizer Radio to talk on one guy's radio show about my criminal case. I called into the Bob Tuskin Show to talk about

my criminal case. I called into "Serour Strikes Back" show to talk about my criminal case. I called into "Three Minutes to Midnight" radio show by Laurie about my criminal case. I called into "Spitfire and the Sentinels" show about my criminal case. I called into Pete Wichert's show for an interview about my criminal case. They are also considered media since they had interviewed me and conducted research into my criminal case before reporting on the matter. I consider them media as I believe the Constitution's "Free Press" clause refers to reporting facts to the general public. I also believe that the Constitution's "Freedom of Speech" clause applies to opinions of the facts to the general public. All radio shows I had called into are protected under the First Amendment of the U.S. Constitution. Since all of them have an interest in the outcome of my criminal case, in me proving my Actual Innocence to possession of child pornography by proving Affirmative Defense of Frame Up (Innocence), and the public interest in me proving my Actual Innocence far outweighs the need of the U.S. Attorney to keep my criminal case Discovery packet of evidence secret from me, and their need to prevent me from having independent expert witnesses review such Discovery evidence.

10. I am a virgin, I never had sex with anybody, I have done nothing to a child, and yet I am on the Virginia Sex Offender Registry. I have Autism Spectrum Disorder, Obsessive Compulsive Disorder, Generalized Anxiety Disorder, and Type 1 Brittle Diabetes. I have suffered health deterioration, had attempted to commit suicide on December 2013, and suffered loss of property including my personal vacation photos and vacation trip photos that are irreplaceable on all forfeited property since the U.S. Government has refused to distinguish illegal files from legal files. The U.S. Government will not give me my legal files back while I am wrongfully convicted. My family has noticed that my health deterioration has accelerated and my OCD routines have worsened significantly all because of the stress and anxiety of being wrongfully convicted in my criminal case. People that see me on the Registry give me dirty looks and have discriminated against me for being wrongfully convicted as a result of being too poor to afford a good private lawyer. Me and my whole family feel the judicial system isn't credible and doesn't convict real criminals anymore or we believe that they convict innocent people as well as the guilty, since my conviction. Everyone I know has lost faith in the judicial system when they hear of my criminal case, or they still think that I can challenge my criminal conviction and have fought to try to get me a private lawyer since the court appointed lawyers won't do anything to prove my Actual Innocence and just wants me to stick with my guilty plea. My families faith in the Federal Courts is non-existent and we want reform. The Sex Offender Registry has deteriorated in credibility of trapping and punishing real child molesters and rapists. Putting Frame Up victims and innocent people on the Sex Registry diminishes it's credibility and reliability in warning people of potential predators. I no longer believe in the Sex Registry and now tell people that it is a joke that the Government uses to harass and take away peoples rights. I'm even tempted to bring the issues of this Registry to the framers of the Registry. The law brings NO Justice to Frame Up victims and Innocents. To restore faith and credibility of the Registry, to restore public confidence in the Sex Offender Registry, I need to prove Actual Innocence, and for that I need this FOIA Request.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on August 29, 2016.

Brian D. Hill
Signed

Signed
Brian David Hill(Pro Se)
310 Forest St., Apt. 2
Martinsville, VA 24112
Phone #: (276)790-3505

Certification of Identity



Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Failure to furnish this information will result in no action being taken on the request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to Director, Facilities and Administrative Services Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester¹ Brian David Hill

Citizenship Status² U.S. Citizen Social Security Number³ 0319

Current Address 310 Forest St., Apt. 2, Martinsville, VA 24112

Date of Birth May 26, 1990 Place of Birth Orlando, FL

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature⁴ Brian D. Hill Date Aug 29, 2016
Signed

OPTIONAL: Authorization to Release Information to Another Person

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

¹ Name of individual who is the subject of the record sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.